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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,393	06/13/2001	Ajit S. Nagral	WCS-00102	8675

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EXAMINER

FILIPCZYK, MARCIN R

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,393

Applicant(s)

NAGRAL ET AL.

Examiner

Marc R. Filipczyk

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment 2/18/05 and RCE 4/29/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

This action is responsive to Applicant's RCE request submitted on April 29, 2005 and amendment filed on February 18, 2005.

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 29, 2005 has been entered.

Claims 51-100 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 51-100 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claims 51 and 72, the segment of “constructing a named temporary file for each **metafile**” is indefinite. It is not clear what the contents of metafile are. Further, the phrase, “metafile data” is indefinite. It is not clear what the contents of data in metafile are.

Regarding claims 52-71 and 73-100 depend from claims 51 and 72 respectively, and are therefore rejected to on the same basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 51-61, 63-82, 84-100 are rejected under 35 U.S.C. 102(e) as being anticipated by Draper et al, hereinafter Draper (U.S. Patent No. 5,924,096).

Regarding claim 51-53, 61, 72-74 and 82, Draper teaches viewing a visual form of data associated with tags comprising: (fig. 2 and col. 9, lines 32-40)

selecting a database containing a plurality of reports wherein each report includes a visual form of the data and associated tags (fig. 3, items 202 and 204), the form corresponds to a display form; (fig. 2 and col. 9, lines 32-52)

(Note: data with tag is a report)

opening the database; (fig. 3, items 202 and 204)

issuing a query to the database; (fig. 5, items 508 and 510 and col. 1, lines 46-55)
providing a list of reports including visual data and associated tags corresponding to the query; (result of fig. 5)

selecting at least one report from the list; (fig. 6, items 602 and 604) and,
constructing a named temporary file for each metafile corresponding to the at least one report selected; (fig. 6, items 608 and 610, col. 8, lines 16-21)

(Note: metafile consists of data of different formats) and,

Executing a previewer program which accesses a control file to view said visual form of the data represented by metafile data included in said temporary memory, said control file including said at least one tag and a name of said named temporary file for each metafile (col. 4, lines 18-22, col. 9, lines 36-40 and 54-56 and, fig. 1, items 110 and 122).

(Note: internet uses protocols to display data)

Regarding claims 54-58, 63-66, 75-79 and 84-87, Draper discloses printing, sending, deleting, previewing, and replicating data and passwords by security/permission access (col. 5, lines 57-65).

Regarding claims 59, 60, 80 and 81, Draper discloses querying the selected database with filter parameters (fig. 5, items 512, 514, 516 and 518).

Regarding claims 67, 68, 88 and 89, Draper discloses searching for instances of specified text in said one report selected (fig. 5, *constrains*).

Regarding claims 69-71 and 90-92, Draper system discloses selecting a portion of the metafile for partitioning (col. 12, lines 5-17) and representing the metafile in a new metafile.

Regarding claims 93 and 97, Draper discloses at least one of said reports includes a command for at least drawing a line (col. 9, lines 38-40).

(Note: html documents include lines, text and other document related data)

Regarding claims 94 and 98, Draper discloses command is associated with a portion of a display or print area (col. 9, lines 38-40).

(Note: html documents are displayed)

Regarding claims 95 and 99, Draper discloses visual form of the data is represented in a vector image (fig. 1, item 118, and col. 9, lines 38-40).

(Note: html documents are in vector image format)

Regarding claims 96 and 100, Draper discloses visual form of the data is represented in a metafile (fig. 3).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 62 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draper et al, (U.S. Patent No. 5,924,096) in view of Vachey (U.S. Patent No. 5,630,120).

Regarding claims 62 and 83, Draper discloses all the subject matter as discussed above including querying a database and displaying data with associated tags (fig. 1, Draper), but does not expressly teach an interface scrolling through a list of records. However, Examiner points out that selecting a record from a list that resulted from querying a database was common practice in querying systems at the time the invention was made. One example of such a system is Vachey. Vachey teaches optimizing a query from a relational database where a query scroller is used (fig. 2B, Vachey). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have used a scroller in Draper system by modifying Draper's query interface according to Vachey's interface. One would have been motivated to use a scroller in Draper in order to keep track of all the hits that resulted from querying the database.

Response to Arguments

Applicant's arguments filed February 18, 2005 have been fully considered but they are not persuasive. The arguments and responses are listed below.

Applicant argues on pages 18-23 of the 2/18/05 response, specifically page 22 that Draper does not teach a tag contained in the visual form of data, or a name of a temporary file for each metafile.

Examiner disagrees. Draper clearly teaches a tag (col. 2, lines 58-59) in a visual form of data (col. 9, lines 38-40 and figures 2-3). Second, Applicant discloses a feature in claim 1 including, “constructing a named temporary file for each metafile corresponding to the at least one report selected”, wherein visual forms are included in the reports. Although it is not clear what the metafile is (see rejection above), the purpose of the invention appears to include tags with visual forms for easy querying and browsing (display). Draper also teaches using tags in reports (see figures 2-3) and converting files from various formats into HTML format for HTML browsing (col. 9, lines 37-40). Thus, Draper appears to address the same concern and applies the same method as the Applicant of applying tags and indexes to data to allow easy indexing and querying, as well as data formatting, further, it is well known to one of skill in the art that in order to convert files and store replicas of files, at least temporary file names are used for data integrity.

Applicant argues on pages 24-26 of the 2/18/05 response, that “Vachey does not overcome the deficiencies of Draper with respect to Applicant’s amended claim 51”.

Examiner disagrees. Note, Vachey is not relied upon to teach the subject matter of claim 51, as such the Examiner believes the argument is moot.

No other issues have been raised by the Applicant.

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With respect to all the pending claims 51-100, Examiner respectfully traverses Applicant's assertion based on the discussion cited above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R. Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF
May 26, 2005


FRANTZ COBY
PRIMARY EXAMINER